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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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EXAMINER

ESM1/0811

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ART UNIT

PAPER NUMBER

2513

DATE MAILED: 08/11/97

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 10/19/96
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 1-5 is/are pending in the application.
- ☐ Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-5 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

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***Claim Rejections - 35 USC § 112***

1. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 4:

It is unclear why a partition area is processed and partition data written in the partition area is erased.

It is not clear why a partition address is written in a management area since the partition data has been already erased.

Accordingly, it appears that the invention recited in claim 1 is an incomplete invention. Applicant should note that Applicant can recite a broad claimed invention, but not an incomplete claimed invention.

Also, there no structural and relative connection between all steps or means recited in claim 1 or 4 respectively.

In claim 2:

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It is unclear whether a partition data recited in this claim is the same as that recited in claim 1, and why this partition data is written in another partition area.

In claim 3:

It is unclear where the data in the partition area is read and determined by the reading and determining steps as recited in this claim since data written in the partition area has been erased already as previously recited in claim 1.

In claim 5:

It is unclear why the read out data is determined whether it is a predetermined partition data.

Also, it is unclear how all the means recited in this claim are structurally and relatively interconnected.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

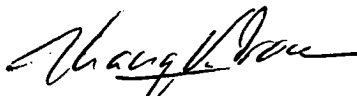
3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al cited by applicant.

Ito et al, according to Figs. 1-10, shows a writing and reading an apparatus in which data from a partition is read out and the partition area is erased. Thereafter, writing management data a management area and information is written after management area, as recited in the instant claimed invention(see respective of Figs. 3, 6 and 8 for details.

#### *Cite References*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate an apparatus for recording and reproducing data on and from rewritable medium.

Any inquiry concerning this communication should be directed to Tran, Thang at telephone number (703) 308-1551.

  
**THANG V. TRAN**  
**PRIMARY EXAMINER**